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United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 28, 2019

Via ECF

Honorable Paul A. Crotty
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Chambers 1350
New York, New York 10007

Re: *Duchitanga, et al. v. Hayes,¹ et al.*, 18 Civ. 10332 (PAC)

Dear Judge Crotty:

On behalf of the defendants (“Defendants” or the “Government”), we write respectfully pursuant to Rule 1.E of the Court’s Individual Practices to request an adjournment of Defendants’ time to answer or move in response to the complaint that, along with Plaintiff’s contemplated motion for preliminary injunction, is currently due on April 1. This is the third request for an extension of the time to answer or move in response to the complaint. The prior requests were granted. Plaintiffs consent to this request, and we understand that Plaintiffs will be filing a corresponding request for an adjournment of the briefing schedule for their contemplated motion for preliminary injunction.

As the Court may recall, the Office of Refugee Resettlement’s (“ORR”) June 2018 fingerprinting policy – which is the subject of Plaintiffs’ complaint – was superseded by an operational directive dated December 18, 2018, that reduced the number of people subject to the fingerprinting policy. See Transcript of Jan. 15, 2019, Hearing, at 18:5-6. Very recently, on March 23, 2019, the fingerprinting policy was further revised by another operational directive (the “March 2019 Directive”) that restored the fingerprinting policy to its pre-June 2018 state until further notice. See Exhibit A. ORR directed that “care provider Case Managers must cancel all fingerprint appointments for eligible Category 1 sponsors” as a result of the March 2019 Directive. In addition, ORR is in the process of revising its online policy manual and will shortly be issuing new FAQs concerning the March 2019 Directive. Defendants have informed Plaintiffs that the March 2019 Directive will be in effect at least until April 5, but it is subject to continuing evaluation because the deliberative process is ongoing.

In light of the foregoing development, the Government respectfully requests that the Court grant a two-week adjournment of Defendants’ time to answer or move in response to the complaint, as follows:

¹ Acting Director Jonathan Hayes is automatically substituted in place of former Director Scott Lloyd pursuant to Fed. R. Civ. P. 25(d)

3/29/19
The 2 week adjournment is granted. The Order to
be filed electronically will be entered on the
NYCLO docket as 3/29/2019
No Intervenor
Paul Martin
6/18